



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, ३ सितम्बर, १९७६/१२ भाद्रपद, १८९८

GOVERNMENT OF HIMACHAL PRADESH

NIRVACHAN VIBHAG

NOTIFICATION

Simla-171002, the 1st September, 1976

No. 7-5/72-Elec.—In exercise of the powers conferred by Section 60 of the H. P. Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh proposes to make the following amendments in the Himachal Pradesh Gram Panchayat (Election) Rules, 1972, issued vide this Department's Notification of even number, dated the 30th August, 1972, published in the H. P. Rajpatra (Extraordinary Issue), dated the 1st September, 1972, and the same are hereby published in the Official Gazette for the information of the general public and a notice is hereby given that these draft amendments will be taken into consideration after seven days from the date of publication in the Official Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make regarding these draft amendments, he can send the same to the Secretary to the Government of Himachal Pradesh, Election Department, before the expiry of the above period. The objections and suggestions, if any, so received will be taken into consideration before finalising these amendments.

DRAFT AMENDMENTS

Short title and commencement.

1. (1) These rules may be called the H. P. Gram Panchayat (Election) (Second Amendment) Rules, 1976.

(2) They shall come into force at once.

Substitution of rule 3.

2. Rule 3 of the H. P. Gram Panchayat (Election) Rules, hereinafter called the principle rules, shall be substituted as under:—

“3. *Delimitation of constituencies (Wards).*—As soon as the number of members of the Gram Panchayat of a Gram Sabha under Section 9 (1) of the Act is determined, the Deputy Commissioner shall divide the Gram Sabha into constituencies on the basis of the number so determined:

Provided that before issuing the final order delimiting the constituencies, the Deputy Commissioner or any other officer authorised by him, shall hear objections, if any, in respect thereof, for which a public notice shall be given.”

Insertion of new rule 45 (A).

3. After rule 45, the following new rule shall be inserted:—

“45(A). *Administration of Oath.*—As soon as the names of the elected or appointed members of the Gram Panchayat are notified, the Deputy Commissioner or any other officer authorised by him for this purpose shall convene under his chairmanship a meeting in which oath shall be administered to the members in accordance with Section 10 (I) of the Act:

Provided that not less than 48 hours notice for holding such a meeting has been given to all the elected or appointed members by its delivery at their ordinary places of residence and such a notice shall specify the place, date, time and the purpose for holding such a meeting:

Provided further that if a person is elected as member from more than one constituency (Ward), the oath shall be administered to him only after the resigns from other than one such constituencies (Wards). If, however, such a person does not tender his resignation to the Deputy Commissioner or present it to the officer presiding over such a meeting, he shall submit the same to the Pradhan or Up-Pradhan presiding over the subsequent meetings of the Gram Panchayat. In all such cases the resignation shall be addressed to the Deputy Commissioner and may be presented direct to the Deputy Commissioner or any other person presiding over the meeting, who shall after recording the fact in the register of proceedings prescribed under rule 49, forward the same to the Deputy Commissioner with his report.”

4. Rules 46 and 47 shall be substituted as under:—

Substitutio
of rules 46
and 47.

“46. *Convening of first meeting.*—As soon as the names of the co-opted members are notified and oath administered to them under rule 19(A)(3) of the H. P. Gram Panchayat Rules, 1971 the Deputy Commissioner, or any other officer authorised by him for this purpose shall convene under his chairmanship the meeting of elected, appointed and co-opted members for the election of Pradhan and Up-Pradhan and to administer oath to the members present in the meeting, as required under Section 10(I) of the Act, who have not taken oath in earlier meetings convened for the purpose. The oath to such members present in the meeting shall be administered prior to the conduct of election of Pradhan/Up-Pradhan:

Provided that no such meeting shall be held unless not less than 48 hours notice for holding such a meeting has been given to all the members by its delivery at their ordinary place of residence and such a notice, shall specify, the place, date, time and the purpose for holding such a meeting:

Provided further that if any member has not been administered the oath in the above meeting owing to his absence. Such a member shall enter upon his office as panch only after an oath is administered to him by the Pradhan or in his absence by the Up-Pradhan in the subsequent meetings of the Gram Panchayat.”

“47. *Election of Pradhan and Up-Pradhan.*—After an oath under rule 46 has been administered and when two third majority of the members exists in the meeting, the election of Pradhan/Up-Pradhan shall be held by secret ballot in the following manner:—

- (i) If only one candidate for the office is proposed, the officer presiding over the meeting shall declare such candidate elected for the office of Pradhan/Up-Pradhan as the case may be.
- (ii) If there are two or more candidates, the officer presiding over the meeting shall prepare a list of contesting candidates in Form IV, appended to these rules in alphabetical order in Hindi in Devnagri script and shall allot one symbol according to the serial number in the list of contesting candidates out of the approved symbols in accordance with the serial number of such symbols prescribed under rule 7. A copy of the list showing the names of the contesting candidates and the symbol allotted to each such candidate shall be displayed at the conspicuous place for the information of the Panches. The poll shall commence and close within the time which will be prescribed and announced by the officer presiding over the meeting. The voting shall be held by secret ballot papers and ballot boxes to be used at the election shall be of such form/design as may be prescribed by the Director of Elections (Local Bodies), Himachal Pradesh.

(iii) The procedure of voting at such election shall be as under:—

- (a) Before issuing the ballot papers to the members the officer presiding over the meeting shall put his signature on the back of each ballot paper.

- (b) The member on receipt of the ballot paper shall enter the voting compartment and insert the ballot paper in the ballot box of the candidate to whom he wishes to vote. Outside each ballot box a poster containing the name of the candidate and his symbol shall be pasted. In case of infirmity or blindness the officer presiding over shall assist the voter. The officer presiding over the meeting may enter the voting compartment at any time if he doubts tempering of ballot boxes inside the voting compartment:

Provided that if two-third majority of the members is not present in the first meeting, the Deputy Commissioner or any other officer authorised under rule 46 shall convene a second meeting by giving a fresh notice for holding such a meeting to all the members in the manner prescribed under the aforesaid rule and in this meeting one half of the members shall form the quorum:

Provided further that even if the quorum of one-half of the members is not present in the second meeting, a third meeting shall be held after giving proper notice as aforesaid and election of Pradhan/Up-Pradhan shall be conducted without any requirement of the quorum."

By order,
P. P. SRIVASTAVA,
Sachiv (Nirvachan),
to the Himachal Pradesh Sarkar.